

INTERNAL PROTECTION ALTERNATIVE CHECKLIST

FEBRUARY 2017

GENERAL DIRECTIONS

Neither the 1951 Convention nor the EU Directives require or even suggest that the fear of being persecuted or of being at risk of serious harm need always extend to the whole territory of the applicant's country of origin. The concept of an internal protection alternative [IPA] therefore refers to a specific area of the country where there would be no reasonable chance of a well-founded fear of persecution or real risk of serious harm and where, given the particular circumstances of the case, the individual could reasonably be expected to establish him or herself without undue hardship. Consequently, if an internal protection alternative is to be considered in the context of a protection determination, a specific area must be identified by the decision maker and the applicant provided with an adequate opportunity to prepare or respond.

The analysis of whether an IPA would apply in a given case requires a two-fold analysis: (I) Is the identified IPA 'Relevant'? (II) If an IPA is relevant, is it 'Reasonable'? In order to analyse an IPA the decision maker or counsel must have a thorough understanding of the applicant's personal circumstances in order to identify a likely IPA before the hearing.

ISSUES	ISSUE DETAILS	√
IDENTIFICATION OF THE IPA	If the decision maker intends to rely upon a possible IPA has he or she identified a specific location and provided the applicant with adequate notice?	<input type="checkbox"/>
STEP I: THE RELEVANCE TEST	Given the circumstances of the particular case is an IPA relevant? In other words, if the applicant were able to relocate would he or she be able to safely, legally and practically get to the suggested IPA? And if so, would he or she be able to remain there safe from the feared persecution or serious harm or from any other new persecution or serious harm that might arise in the IPA?	<input type="checkbox"/>
Is the IPA Accessible?	Can an applicant reach the IPA safely, practically and legally and remain there?	<input type="checkbox"/>
Is the Agent of Persecution the State?	It is a presumption that states are in full control of their territory such that if the state is the persecutor or the agent of serious harm an IPA is not possible. However, as with any presumption, this can be displaced with evidence that in any particular case a state is not in control of an area where an IPA may exist.	<input type="checkbox"/>
Is the Agent of Persecution a non- State Agent?	If a non-State agent is the feared persecutor or the potential cause of a real risk of serious harm then an IPA will only be relevant if (a) that agent will not pursue the applicant or if he or she does so (b) there will be effective state protection.	<input type="checkbox"/>
Is the applicant at risk of other persecution or serious harm?	If the applicant would be at real risk of persecution or serious harm in the IPA or would be exposed to new forms of persecution or serious harm from which there would be no state protection, then the IPA is not relevant.	<input type="checkbox"/>
STEP II: THE REASONABLENESS TEST	Only if an IPA is relevant is it necessary to proceed to the second step of determining whether, in all the circumstances of this applicants's case, the IPA is 'reasonable'. An IPA is only 'reasonable' if the applicant is able to lead -- in the context of his or her country -- a relatively normal life free from undue hardship.	<input type="checkbox"/>
What are the applicant's personal circumstances?	Many factors, taken either individually or collectively, must be weighed in establishing whether this particular applicant could lead a relatively normal life in the IPA free from undue hardship. Factors include such things as: age, gender, health, disability, family situation and relationships, ethnicity, religion, cultural, social and political factors, language, education, professional and work background and opportunities and so on.	<input type="checkbox"/>
Has the applicant previously suffered past persecution here ?	Will the relocation to the IPA increase the likelihood of further trauma based upon past persecution or serious harm?	<input type="checkbox"/>
Will the applicant be safe and secure?	Is the area in which the IPA is located currently stable such that it may provide safety, security and is the political situation reasonably durable? This is particularly relevant in situations of internal political or armed conflict.	<input type="checkbox"/>
Does the administration in the IPA respect human rights?	Are specific fundamental human rights which are important to the individual respected in the area of the IPA?	<input type="checkbox"/>
Can the applicant survive economically?	Is the applicant able to make a reasonable living and access housing and medical care in the IPA such that he or she can live a relatively normal life in the context of his or her country?	<input type="checkbox"/>